

**DEPARTMENT OF HEALTH
BOARD OF PHYSICAL THERAPY
MEETING MINUTES**

Tuesday, May 18, 2004

Yakima Regional Medical Center, St. Ez Hall Bldg., Room Auditorium, 110 S. 9th Ave, Yakima

On May 18, 2004 the Board of Physical Therapy met at the Yakima Regional Medical Center, St. Ez Hall Bldg., Room Auditorium, 110 S. 9th Ave, Yakima, Washington. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

MEMBERS PRESENT

Samuel Stockton, PT, Chair
Shawn Quigley, PT, Vice Chair
Chuck Martin, PT
Paula Mays, PT
Su Sawyer, Public Member

STAFF PRESENT

Kris Waidely, Health Services Consultant 3
Jennifer Bressi, Health Services Consultant 1
Gail Zimmerman, Executive Director
Kirby Putscher, Deputy Executive Director
Lisa Pannone, Staff Attorney
Melissa Burke-Cain, AAG, Advisor

GUESTS PRESENT

Melissa Johnson, PTWA Lobbyist
Randy Johnson, PT

Tuesday May 18, 2004 – 9:00 am – OPEN SESSION

1. CALL TO ORDER

- 1.1 Approval of Agenda - The agenda was approved with an addition.
- 1.2 Approval of Meeting Minutes from February 27, 2004 – Minutes approved as presented.
- 1.3 Approval of Conference Call Minutes from April 6, 2004 – Minutes approved as presented.

RULES HEARING – 9:15 a.m. – 10:23 a.m.

A hearing was held to receive testimony in support or opposition of the following proposed rules: WAC 246-915-010 Definitions, WAC 246-915-078 Interim Permits, WAC 246-915-140 Delineation of Responsibilities, and WAC 246-915-160 Personnel Identification. After the hearing a motion was made to adopt these rules. The Board voted and the motion was approved. The rules were adopted as presented.

2. **INTRODUCTION OF NEWLY APPOINTED BOARD MEMBER** - Paula Dillon Mays, PT was introduced and welcomed as a new physical therapy board member.
3. **FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY (FSBPT) ANNUAL MEETING AND DELEGATE ASSEMBLY** – Sam Stockton, PT provided a brief overview of the Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting and Delegate Assemble. A motion was made to have Charles Martin, PT, attend the Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting and Delegate Assembly as the Board Delegate, and Su Sawyer, Public Member, to attend as Board Alternate Delegate. The board voted and the motion was approved for Charles Martin, PT to attend as Board Delegate and Su Sawyer, Public Member to attend as Board Alternate Delegate. The FSBPT 2004 Annual Meeting and Delegate Assembly will be held in Philadelphia, Pennsylvania, from September 10-13, 2004.
4. **STIPULATED AGREEMENT PRESENTATION**
 - 4.1 Cathy Lynn Hayes, PT
License No. PT00006007

Lisa Pannone, Board Staff Attorney, presented the Stipulated Findings of Fact, Conclusions of Law, and Agreed Order concerning Cathy Lynn Hayes, PT.

The Agreed Order was approved as presented.
5. **LETTERS APPROVED BY THE BOARD** – At the February 27, 2004 board meeting, the board requested Ms. Waidely to work with the board's AAG Adviser, Melissa Burke-Cain, to draft the following letters. The board also requested the draft letters to be sent by e-mail to the board for approval prior to sending them out. The attached letters were reviewed and approved by the board.
6. **E-MAIL FROM HELEN TERRY, GENTIVA HEALTH SERVICES** – The board reviewed an e-mail received from Helen Terry, regarding Prothrombin Time Test. The board previously responded to similar correspondence regarding Prothrombin Time Test. The board would like department staff to use this similar correspondence to respond to Helen Terry.
7. **E-MAIL, LETTER AND INFORMATION FROM DAVID DEPPELER, PT, THERAPEUTIC ASSOCIATES INC.** – The board discussed the information received from David Deppeler, PT regarding Real Time Ultrasound. There was discussion regarding giving consistent advice for all of the boards/commissions because language across the professions crossover. The board discussed being consistent on how they respond to scope of practice questions. The board's AAG Advisor advised the board that normally boards do not give advisory opinions regarding technology. The board decided to have department staff and the AAG Advisor draft a letter responding to David Deppeler, PT. The board voted to delegate approval of the letter to the board chair and to present the letter at the July meeting.

8. **MOVING CASES FROM ASSESSMENT TO INVESTIGATIONS DRAFT POLICY** – The board reviewed and discussed board policy 7.1 Complaint Threshold Determination, 7.3 Handling of Sexual Misconduct Complaints or Complaints Alleging Imminent Danger. These policies delegate authority to the Physical Therapy Program Manager or Executive Director to immediately request investigation of complaints alleging imminent danger to the public. The department proposed that the board merge policy 7.3 Handling of Sexual Misconduct Complaints or Complaints Alleging Imminent Danger and merge the threshold complaint categories from page 5.5 of policy 7.1 Complaint Threshold Determination with the proposed new draft policy 7.7 Moving Cases from Assessment to Investigations. Gail Zimmerman, Executive Director, provided a brief overview of the case management team. The case management team reviews each complaint and determines whether there is a violation of law and whether or not the case warrants an investigation. After the investigation is completed the information is forwarded to the board for decision. Board policy 7.1 & 7.3 delegate authority to move certain types of cases to investigations without Board approval. The specific types of cases that need to be investigated are listed in the new draft policy 7.7. No new case items have been included. The board discussed these policies and decided they would like to continue processing complaints under the current process. Policy 7.7 Moving Cases to Investigations failed for lack of a motion to adopt the policy.
9. **BOARD POLICY REVIEW DISCUSSION** – The board reviewed the following policies and the following motions were made:

A motion was made to replace Policy 7.4 Sexual Misconduct with the current WAC 246-915-182 Sexual Misconduct that was adopted May 7, 2004. The board voted and the motion was approved.

The board reviewed policy 7.8 Advertising for PT by unlicensed individuals. The board would like to keep this policy and use a specific board approved letter to respond to unlicensed individuals. Motion to repeal this policy has failed.

The board reviewed policy 6.2 Continuing Competency and decided they would like to keep this policy and update it at they next board meeting in July 2004. A motion was made and approved to update policy 6.2 Continuing Competency.
10. **LICENSURE STANDARDS RELATED TO TELEHEALTH** – Ms. Quigley, PT, Board Vice-Chair, informed the board that she is continuing to work on addressing the issue of Telehealth in a form of a letter to the board.
11. **INACTIVE STATUS RULE** – The board reviewed and discussed comments received regarding the proposed inactive status draft rule language. The board would like department staff to research what other professions inactive credential fee is and bring the information to the board at their July 2004 board meeting.
12. **APPLICANTS FROM UNAPPROVED SCHOOLS** – Charles Martin, PT, Subcommittee Chair, informed the board that the subcommittee discussed and compared our general education to others and determined that our current

standards do compare to current CAPTE standards. A comment was made that when writing a rule an entity should not be listed in rule. Language could be added stating approved by the board rather than naming a specific entity. The board could write a policy that addresses what entity they are currently approving. At the July 2004 board meeting the board will continue to work on drafting language for WAC 246-915-120 Applicants from Unapproved Schools.

13. **EXERCISING AVAILABLE STATUTORY OPTIONS FOR RECOGNIZING OTHER STATES AS EQUIVALENT** – The department is currently comparing other states requirements with Washington State requirements. The department providing the information that has been gathered and informed the board that the research will continue.
14. **RULES COMMENTS** – The board will review and discuss any comments received for any of the board's proposed rules.
15. **PROGRAM REPORT** – Information provided to the Board by the Program Manager.
 - 15.1 Legislative Update - The department did not have any information to share regarding legislation.
 - 15.2 Budget Update – The department provided the board with copies of January 2004, February 2004 and March 2004 Interim Operating Reports.
 - 15.3 Program Manager report - Information was shared with the board regarding the new Department of Health Rules Website.
 - 15.4 Planning for Upcoming Meetings
The board would like to invite Jean Sullivan from the Washington Health Professional Services (WHPS) program and an investigator from the Department of Health, Investigations Service Unit to come to their next board meeting and provide information and training.
The board will review all of their board policies at the July 2004 board meeting.
The board will continue to work on the proposed draft inactive status rule and applicants from unapproved schools rules.
 - 15.4.1 Other - Gail Zimmerman, Executive Director is retiring on June 10, 2004. Kirby Putscher will be acting Executive Director until further notice.
The department invited the board chair to attend a meeting at the Department of Health on June 2. The meeting will be regarding stakeholder interests and organizational changes.
 - 15.5 Provided for the Board's Information:
 - PTWA Final Legislative Update
 - Tri City Herald article, provides a reminder that e-mail discussions among board/commission members may violate the Open Public Meetings Act when the e-mail exchange replaces dialog that should occur in an open meeting.
 - Definition of Registration, certification, and licensure.
 - Crimes and classifications handout.
 - PTWA Reimbursement Issue on the Front Burner.

- FSBPT NPTE Newsbriefs for Faculty, volume one: April 2004.
- List of comments by candidates seeking licensure in Washington.

- 16. PHYSICAL THERAPIST ASSISTANT PROGRAMS CURRENTLY UNAPPROVED BY THE BOARD** – The board discussed the army's PTA program. The board would like to do research about why the army's PTA program is not accredited. The board would also like to see if ICA could do a comparison of the army's program vs. Washington State requirements. Lisa Pannone, Staff Attorney volunteered to contact the army to obtain information regarding their PTA program. The board also feels that all branches of the service that have PTA programs should also be researched.

CLOSED SESSION 1:55 p.m.

17. REVIEW OF APPLICATIONS

Applicant C – Approved for licensure.

Applicant A – Denied pending completion of general education and coursework.

Applicant B – Denied pending completion of coursework.

Applicant D – Denied pending completion of general education and coursework.

18. DISCIPLINARY CASE REVIEWS

Case 2004-04-0001PT – CLOSED (before investigation) - No violation.

Case 2004-03-0001PT – Issue Notice of Correction (NOC).

Case 2004-04-0003PT – CLOSED (before investigation) - No violation.

Case 2003-09-0001PT – CLOSED (after investigation) - No violation.

Case 2004-04-0006PT – CLOSED (before investigation) - No violation.

Case 2003-11-0002PT – CLOSED (after investigation) - No violation.

Case 2004-04-0005PT - Issue Notice of Intent to Deny License.

19. CONTINUING EDUCATION AUDITS

Audit P Approved

Audit A Approved

Audit C Send letter requesting goals & objectives

Audit D	Approved
Audit F	Approved
Audit G	Approved
Audit H	Approved
Audit I	Approved
Audit K	Approved
Audit L	Approved
Audit M	Approved
Audit N	Approved
Audit O	Approved
Audit Q	Approved
Audit R	Approved
Audit S	Approved
Audit T	Approved
Audit U	Approved
Audit V	Issue Notice of Correction
Audit W	Send letter requesting goals & objectives

- 20. JURISPRUDENCE EXAMINATION DEVELOPMENT** - The board received several comments from applicants regarding a couple of questions on the jurisprudence exam that they felt were confusing and the answer was hard to find in the law book. The board reviewed and modified the jurisprudence exam.

ADJOURN 3:30 p.m.

Respectfully submitted:

Approved:

Kris Waidely
Program Manager

Samuel Stockton, PT, Chair
Board of Physical Therapy